

At An Audit Meeting / Work Session
Of the Town Board of the Town of Newburgh held
At 1496 Route 300 in said township at 7:00 P.M.
On the 28th day of April, 2004

Roll Call: Wayne C. Booth, Supervisor
George A. Woolsey, Councilman
Derek N. Manley, Councilman
James E. Manley, Councilman
Gilbert J. Piaquadio, Councilman

Also Present: Mark C. Taylor, Attorney for the Town of Newburgh
James W. Osborne, Town Engineer
Andrew J. Zarutskie, Town Clerk
Charlene M. Black, Deputy Town Clerk

1. Pledge of Allegiance to the Flag led by Jim Presutti, Colden Park

2. Additional Items For Discussion From Board Members

15. Grant Writer

16. Memorial Day Parade

17. Executive Session: Update Litigation With City of Newburgh Sewer Agreement

3. Approval of Audit

MOTION was made by Councilman Manley to approve the Audit as presented in the amount of \$1,014,642.08, seconded by Councilman Benedict.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

4. (Scheduled for 7:00 P.M.) Continuation of Public Hearing on Chadwick Lake Master Plan

MOTION was made by Councilman Benedict to reopen the Public Hearing on Chadwick Lake Master Plan, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

This recessed Public Hearing was requested so the public would have more time to look at the design of the proposed park that was displayed in the lobby this past week

Jim Presutti, Recreation Advisory Board member said that Kiwanis and the Boy Scouts have volunteered to plant all the trees that were donated.

MOTION was made by Councilman Woolsey to close the Public Hearing, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

SEQRA Determination and Designation

Mark Taylor, Attorney for the Town, explained that the Board needs to vote to assume the Lead Agency first, then approve the Resolution of SEQRA Designation and Determination and declare a negative declaration..

MOTION was made by Councilman Piaquadio to declare the Town as Lead Agency, seconded by Councilman Benedict.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

MOTION was made by Councilman Benedict to declare this action as a Negative Declaration Notice of Determination of Non-Significance, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

Resolution of Adoption

Councilman Woolsey would like us not to mention how much money we have in Reserve for this Master Plan because he is finding out that what has been in the paper is incorrect. He doesn't want a bidder to find out how much money there is so they can inflate their bid.

Mark Taylor, Attorney for the Town, explained that this is the Adoption of the Chadwick Lake Master Plan and in the future you may have to take separate action in regards to financial elements that will be coming up.

Ron Hughes, Recreation Advisory Board member, spoke on behalf of the Chairman who is out of town. He commends the Board for their efforts on this plan and he would like to meet with the Board. A full Environmental Assessment Form was prepared so that each of things to be done can be done a section at a time so we wouldn't have to go back again and again to review it. We intend to go full speed ahead.

MOTION was made by Councilman Woolsey to approve the Resolution of Adoption of Master Plan for Chadwick Lake Park, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

5. Bid Net

This is an agreement with Bidnet Procurement System. This was brought up at a previous meeting and some Board members had questions. The questions have been answered and now we need to vote on this. This is free for the Town and is an Internet service.

Councilman Piaquadio asked about the Town Clerk being connected to the Internet because the bids go through his office. Supervisor Booth told Mr. Piaquadio and Mr. Benedict to take care of that.

MOTION was made by Councilman Piaquadio to adopt this agreement and to authorize the Supervisor to sign this agreement, seconded by Councilman Woolsey.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

6. Sewer: Moratorium Non-applicability (42 Old South Plank Road)

This is a request from the Bockemuhl family regarding the transfer of sewer service from 42 Old South Plank Road to 35 Old South Plank Road. What they are proposing is to build a new home at 35 Old South Plank Road and once that is complete hook into the sewer there, disconnect at the 42 Old South Plank Road and to demolish the house at an acceptable time frame. Suggested time is 30 days from receiving the Certificate of Occupancy for the new home at 35 Old Plank Road. within that time frame there are three mechanicals that we are looking for surrender of the CO for the building that is being demolished, obtaining a demolition permit, and last the actual completion of the demolition. There probably is no CO because the house was built in the 1930's.

MOTION was made by Councilman Woolsey to approve the Moratorium Non-applicability for 42 Old South Plank Road and to authorize Mark Taylor, Attorney for the Town of Newburgh, to draft a waiver agreement for the Supervisor and the Applicants to sign with a thirty day time frame from the date of issuance of the Certificate of Occupancy for the new building, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

7. Highway:**a. HEO Position Posting**

This is a request from Darrell Benedict, Highway Superintendent, to post the position of Heavy Equipment Operator (HEO). This position is vacant at this time. Darrell explained that at one time had four heavy equipment operators. At this time we only have two, and they that are 25 plus year employees. Darrell spoke to Jackie Calarco,

Town Accountant, about \$.31 per hour more for these positions. The money is not budgeted but we will find it. He would like to have at all times, two full time operators. Councilman Woolsey said he spoke to Jackie Calarco, Town Accountant, this position has not been filled but we don't have this in the budget. Supervisor Booth explained it has been four months since we haven't hired someone for those positions, so that money is there still. Darrell still has two skilled laborer positions that haven't been filled yet. Councilman Manley said if we are going to do the amount of road work that is scheduled then we need to fill these positions. Councilman Woolsey noted that upgrading a driver to HEO would create a vacancy For driver, which would be filled by a laborer, and so on. Supervisor Booth said MEO has been budgeted for the rate which will be lower than we had budgeted because we have a step system.

MOTION was made by Councilman Woolsey to post the position of HEO, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

b. Bond Authorization for Road and Drainage Work

This is a request from Darrell Benedict, Highway Superintendent, to Bond the requested road work (see attached). We would like to have all our roads on a ten year replacement schedule. To do that, we need to rebuild the drainage first because this has been an ongoing problem over the years. Right now we are trying to do catch up work from 2002 which we did not have the money budgeted then or we had run out of money. Councilman Woolsey and Darrell Benedict, sat down and punched a few holes to try and straighten it out, then our Accountant punched more holes. Unfortunately Jackie Calarco, Town Accountant, couldn't give a complete list but she gave us ball park figures are \$1,200,000.00 and maybe a cushion of \$100,000.00 more. We have \$37,000.00 in the budget for drainage, \$400,000.00 in the budget for permanent improvements and \$395,000.00 for non major items such as pot holes and etc. Right now the rates are great and for a Bond at \$1,000,000.00 at a 4% rate for ten years the payment would be \$140,000.00 to decrease by \$4,000.00 every year. That would mean on an assessed home of \$100,000.00, it would cost the taxpayer \$8.00 more on their Highway tax. The entire Town Board feels we should Bond for more so we can take care of more roads. Improvements will start with drainage then reclamation to the roads. Everyone will get a copy of the complete list once it has been made. The Highway Department personnel do all the prep work and then we have private companies come in and do the actual work.

MOTION was made by Councilman Benedict to authorize Jim Osborne, Town Engineer, Bond Counsel and our Financial Advisor to prepare a cost estimate and a Bonding Resolution to present to the Board and the final figure to be approved by the Board prior to getting the Bond, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

c. Merritt Lane Realignment

Jim Osborne, Town Engineer and Mark Taylor, Attorney for the Town, met with Hamilton Staples as representatives of the Town Board. Mr. Staples would not discuss the financial contribution with them. Jim Osborne wanted to point out some points. The first proposal from the developer was to regrade almost the entire length of Merritt Lane. The developer has now scaled that down. We have two locations where his development impacts Merritt Lane. We have 300 feet where his relocated Merritt Lane comes into the Old Merritt Lane. Then we have about 450 feet where the new road H intersects with Merritt Lane. That leaves about 600 feet that is not in the developers proposals for upgrade. That is the plan that Mr. Osborne wanted the Board to be aware of. Mr. Staples wants to meet with the Town Board about his contribution. Jim said he doesn't want the Town to miss an opportunity if there is room for negotiations and have the Board or committee of two Board members to meet with Mr. Staples to keep moving forward. Jim would like to see the Town sit down with Mr. Staples as soon as possible. He has made application to the Planning Board for preliminary approval of these sub-divisions. The Town Board is involved

to the point where Mr. Staples has asked us to abandon Merritt Lane. We should get what items we want on the table, so they can be incorporated into the Planning Board approval. We need to do this in a timely fashion. Councilman Piaquadio asked if the 600 feet was brought up to spec, then there would no argument the Town gets a fair shake but will he give us an argument about this? Councilman Manley and Mr. Osborne both said yes and explained that he doesn't want to pay the whole thing. Councilman Woolsey asked why we don't go in with the aspect that we want him to do the whole thing. Councilman Piaquadio agrees. Jim Osborne explained that is the position they took and it got nowhere. Mark Taylor, Attorney for the Town, said the Town has leverage in the negotiations. The Planning Board obviously has approval authority in respect to the sub divisions. As other properties are developed it can consider whether Merritt Lane is adequate to provide access to the lots that are proposed. The Planning Board has the authority to deny the application of they find the Town road is not adequate. The Board is negotiating with Mr. Staples a contribution to the improvement of the existing Town road and that improvement is incorporated with the other realignment and abandonment that immerged as a Town requirement. In regard to the Town Board's leverage in the negotiation, you have some. The whole purpose of this is to decide who is going to do the negotiation. Councilman Manley feels we have consultants and he would prefer the consultants be the ones to go into the negotiations based on what the Town Board wants. It is a two way process and it seems it only a one way process with Mr. Staples asking the Board to make an offer. Councilman Benedict is disappointed in Mr. Staples that he would not entertain our representatives who are our Town Engineer and the Attorney for the Town. The Board would like Mr. Staples to give them a number. Supervisor Booth will communicate to Mr. Staples the Board's request.

At this time we will move to #14 up

14. Code Compliance: Independent Electrical Inspector

This item refers to Mr. Ernest Bello, who has been an electrical inspector for two other municipalities. At this time Mr. Bello would like to become an independent third party inspector for the Town of Newburgh. Mr. Bello needs the Town's approval to work independently. Mark Taylor, Attorney for the Town, asked if Mr. Bello's application was submitted to Mr. Canfield, Code Compliance Supervisor and Supervisor Booth said he was given Mr. Canfield's verbal approval. Mr. Bello is to maintain liability insurance annually and he must file his charges with the Town Clerk's Office and Code Compliance Office. Mark Taylor, Attorney for the Town, will draft the Resolution.

MOTION was made by Councilman Piaquadio to appoint Electrical Underwriters of NY, LLC as an Authorized Electrical Inspection Agency for the Town of Newburgh, that according to the subject to Electrical Underwriters of NY, LLC is to continue to maintain insurance in the amounts of \$1,000,000.00 for each occurrence, \$2,000,000.00 aggregate, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

At this time we will move #15 up

15. Grant Writer

This was brought up by Councilman Woolsey. A while ago we had several companies solicit to become our Grant Writer. Councilman Woolsey said we had advertised for a Grant Writer and received solicitations from companies but we never did anything. There are a lot of grants out there. We don't have to pay a dime for them unless you get it. There are grants to get grants. Ron Hughes has research material that he gathered for this item. What we would like to get formal solicitations to get formal proposals then we can interview them. The Consultant gets a percentage of the amount of the grant. We should get all the information we have now and come back to the May 12, 2004 meeting.

8. Animal Control: Fundraiser

This is just an announcement from Mary Meyer, Animal Control Supervisor, that Jennifer Orr, a volunteer at the shelter has arranged for a wonderful fundraiser. A

local business, Qi of Life Acupuncture and Chinese Medicine, located at 54 North Plank Road, will be open from 8:00 a.m. until 8:00 p.m. on May 10, 2004. They will be donating twenty percent of that days proceeds to the shelter. Also the week of May 2 – 8, 2004 is Adoptathon and Be Kind to Animals Week. Mary has placed a public service announcement on Time Warner Cable and in the Times Herald Record. also J. Carroll Jewelers will advertise in the Mid Hudson Times the week of April 29, 2004 to the Adoptathon and Be Kind To Animals Week.

9. Police: Purchase of Equipment / Defibrillator

This is a request from Chief Kehoe to purchase a “Powerheart” automated external defibrillator for the Police Department from MES Newburgh, Rt. 32, Newburgh, NY. The cost of the unit is \$1,750.00 and the funds will be taken out of the Federal Drug Seizure Account # A-3120.4. Attached are the three quotes received for this equipment. We still need at these three more for Town Hall, Code Compliance and the Justice Court.

MOTION was made by Councilman Manley to approve the purchase of a “Powerheart” automated external defibrillator at a cost of \$1,750.00 to be taken out of the Federal Drug Seizure Account A-3120.4, seconded by Councilman Benedict.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

10. Water Supply:

a. Laboratory Services Award

Jim Corbett, Water Supply Superintendent, would like to defer this until Monday night.

b. Sludge Removal Bids

This is a request from Jim Corbett, Water Supply Superintendent, is requesting to go out to bid for alum sludge removal. Jim is to coordinate the advertising dates and bid opening date with Andrew Zarutskie, Town Clerk.

MOTION was made by Councilman Woolsey to authorize Mr. Zarutskie to coordinate with Mr. Corbett to advertise and set the date for the Alum Sludge Removal bid, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

11. Recreation: Boy Scouts at Chadwick Lake

Mr. Jim Politi, the Chairman for Troop 7, has sent a proposal that his troop and three Others, 27, 55 & 327, would like to maintain the trail around Chadwick Lake and possibly build needed structures as per the Chadwick Lake Master Plan. The three troops combined have approximately 100 Scouts, not including leaders. This would serve as a great outing for the troops and their families and a camping area. This is a good opportunity for the troops and the Town. Supervisor Booth would like them to give the Board a formal presentation at a Town Board meeting, so we can take action on their request. Councilman Woolsey suggested dividing the troops into four quads and have a friendly competition and to do this on a rotating basis. Give the winners a Supervisor’s award. Maybe have the Girl Scouts come in and take care of the arboretum and the playground. Councilman Woolsey suggested designating areas for them to camp. Supervisor Booth will get together with Mr. Politi and have them present a formal proposal.

12. T.O.N.V.A.C.: Medicare, Paramedic Intercept

Supervisor Booth received a letter from the Ambulance Corps. stating they would like to have a meeting. Prior to receiving their letter, Supervisor Booth received a letter from John Ward, Supervisor from Wallkill, explaining that they have a contract with Mobil Life and the Town of Wallkill Ambulance Corps., to elevate the problems with double billing. We need to sit down again with them because it works in other towns. We need this to work for us because our seniors are the ones suffering. There is a solution here and it doesn’t need to be to the letter of what Wallkill has. The

Town of Newburgh Volunteer Ambulance Corps and Mobile Life need to come to an Agreement. The double billing is coming from both companies responding and only one transporting. Mobile Life is an ALS which is Advanced Life Support and the Town of Newburgh Volunteer is a BLS which is Basic Life Support. Supervisor Booth said he would like both groups to get together. Councilman Woolsey said we really need two meeting so we can see what each side has to say, even though it will be the same thing we have heard before. Supervisor Booth said that is why we need both groups to come in and talk at the same table. Councilman Manley wants to know if both say they do not want to be part of this agreement where does that leave us? Supervisor Booth said we don't have a controlling interest in either one. Councilman Woolsey said what started the whole thing was a Town Board at one time gave the Volunteer Ambulance permission to bill. Supervisor Booth said at the time it was probably a good budgetary thing. Councilman Piaquadio said there was a time that if you received a bill and your insurance didn't pay for it, you didn't have to pay. Supervisor Booth said they still do that, its called soft billing, but the problem is if you have a BLS pick up and the patient is in the ambulance but they need ALS support, when ALS comes on board, Medicare only pays for the transporting party. So the Ambulance Corp submits their bill, they get paid and then Mobile Life submits to Medicare, they don't get paid. They in turn bill the patient. Both parties want the Town to take their sides in this matter. The choice we need to make is, do we do this by committee or by the Board. Councilman Piaquadio feels they need an arbitrator. Supervisor Booth said this contract is only between T.O.N.V.A.C. and Mobile Life. Councilman Piaquadio asked if we could send them both letters stating, why don't you both try to work this out without the Town's intervention. Supervisor Booth said that he and George have met with them several times with no results. Supervisor Booth suggested calling a Special Town Board Meeting, even on a Saturday and have Bill Larkin and Tom Kirwan here. They get the complaints just as much as the Town does. Maybe if we have the Board and two State legislators here to meet both entities something will come of the meeting. Councilman Woolsey said he talked to the Volunteers and he knew they weren't putting qualified people out during the day and he knew they didn't have the people to respond. George suggested to them to let Mobile Life cover during the day. The volunteers said they couldn't do that because its their territory. Right now they have a contract with Mobile Life. They have EMTs manning the T.O.N.V.A.C. during the day. George said they should have hired paramedics but that probably would cost more money. Councilman Woolsey suggested Mark Taylor, Attorney for the Town, to look over the contract that Wallkill has and give us his opinion on it. Then we can meet with these guys and say here it is, here is what we are in agreement on and here is what we would like you to do. If that doesn't work, then bring in the heavy hitters. Supervisor Booth said he'll bring the over billed people, have them talk to them. Mark Taylor, Attorney for the Town, wanted to bring out that there is a line in the Wallkill contract that might be some leverage for the Town. It states in regards to the proposal this will have a significant impact on our funds. Supervisor Booth is to contact both Mobile Life and T.O.N.V.A.C. to meet with the whole Board on this matter.

13. Public Entertainment Permit

It is the understanding of Councilman Piaquadio that this organization is not our local. Councilman Piaquadio took this application to the local Rotary Club who meet at CB Dricoll's and spoke to the president. He knew nothing about this show. So Councilman Piaquadio called the District Governor who is named on the application and he said he doesn't know too much about this but a fellow across the river said he ran the show before with Gillette with the Rotary behind it. The district would make \$500.00 dollars but the local club knows nothing about it. This club, like many are international clubs. In the code we should have it worded where the ten members need to participate in the activity, not just reside in the Town. The issue is not whether an individual can apply, the issue is whether the Rotary Club District 7210 qualifies as a local organization because of a loophole in how the previous legislation was worded. There is a criteria in what qualifies a local organization. The Town Board has the authority to determine if the function will disturb the public

peace or will it affect the enjoyment of the adjoining properties. If this does, then the Board can deny this permit. Supervisor Booth said at that location last year they had many complaints due to noise and trash.

MOTION was made by Councilman Piaquadio to deny the permit for Gillette Shows, Inc. due to the grounds that at that location the Board determined the public peace and order will be disturbed and the use and enjoyment of the adjoining properties (the residents of Boulder Road) will be adversely affected, seconded by Councilman Woolsey.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

16. Memorial Day Parade Announcement

Councilman Woolsey would like to have the newspapers give the Memorial Day parade more publicity.

17. Executive Session: Update Litigation with the City of Newburgh Sewer Agreement

MOTION was made by Councilman Benedict to go into Executive Session at 10:03 P.M., seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

MOTION was made by Councilman Woolsey to end Executive Session at 10:29 P.M., seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

The Town Supervisor announced that the Board did take action during the Executive Session. The Town Clerk will be informed of this action in writing at the appropriate time.

Adjournment

MOTION was made by Councilman Woolsey to adjourn the Audit Meeting / Work Session of April 28, 2004 at 10:30 P.M., seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

Andrew J. Zarutskie, Town Clerk

by _____
Charlene M. Black, Deputy Town Clerk